

CONCORDIA SEMINARY (MISSOURI)¹

I. Introduction

Concordia Seminary was founded in 1839 in Perry County, Missouri, by a group of Lutheran immigrants from Germany. In 1849 the institution, consisting of a preparatory division and school of theology, was moved to St. Louis, and in 1861 the preparatory division was removed to Fort Wayne, Indiana. According to the 1972-73 Catalogue, the Seminary is "owned and operated" by the Lutheran Church-Missouri Synod, whose 2,800,000 members throughout the United States "have planned Concordia Seminary as a final step in a program to train parish ministers, chaplains, and mission workers." Together with the Concordia Theological Seminary in Springfield, Illinois, it is the source of ministerial training for the Missouri Synod. In addition, Concordia Seminary in St. Louis has been recognized for over a century as an important center for theological training and research. In the fall of 1973 the faculty at the St. Louis Seminary numbered 48 and student enrollment approximated 700. From the fall of 1969 to the spring of 1974, Concordia Seminary in St. Louis was, according to its President, the largest Lutheran seminary and the third largest Protestant theological school in the world.

From the fall of 1969 until late in 1974, the President of Concordia Seminary was Dr. John H. Tietjen, previously executive secretary of the Division of Public Relations of the Lutheran Council in the United States, and himself a graduate of the Seminary.

¹ The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was sent to the Association's Committee A on Academic Freedom and Tenure, to the teacher at whose request the investigation was conducted, to the administration of Concordia Seminary, and to other persons directly concerned in the report. In the light of the suggestions received, and with the editorial assistance of the Association's staff, the report has been revised for publication.

Dr. Tietjen succeeded Dr. Alfred O. Fuerbringer, who retired from the presidency but maintained his position on the Seminary's faculty.

The policies and procedures governing Concordia Seminary are set forth as part of the Synod's Bylaws in the *Handbook: The Lutheran Church-Missouri Synod*. The Seminary is directly under a Board of Control, whose members are elected by the Synod's biennial convention; there are also provisions, until 1972 rarely exercised, for certain decisions on academic policies and appointments to be supervised and approved by the Board for Higher Education of the Synod, whose members are likewise elected by the Synod but until 1973 were appointed by the Synod President.

Concordia Seminary is accredited by the Association of Theological Schools in the United States and Canada (ATS),² which has officially endorsed the 1940 *Statement of Principles on Academic Freedom and Tenure*. In June, 1972, the Commission on Accrediting of the ATS announced that Concordia Seminary was being placed on probation for a two-year period because (1) adequate authority of the Board of Control of Concordia Seminary was not guaranteed by the ecclesiastical structures of the Lutheran Church-Missouri Synod for the Seminary to carry on its educational function as a graduate professional school of theology; (2) the freedom of faculty to teach and publish research was circumscribed in ways not defined in the terms of appointment; and (3) the attention of students, faculty, and administration was unduly diverted to matters unrelated to education for the ministry. The concern of the ATS was initially occasioned by charges of false teaching against the Seminary faculty by the President of the Synod, Dr. Jacob A. O. Preus,

² Until June, 1974, this organization was named the American Association of Theological Schools (AATS).

and by allegations of undue interference by Synodical officials in the internal affairs of the Seminary. A visit by an ATS evaluating committee, which preceded the action of June, 1972, was precipitated by published reports of the nonretention of a member of the Seminary faculty, Professor Arlis J. Ehlen.

II. The Case of Professor Ehlen

Professor Arlis J. Ehlen received the B.A. and B.D. degrees from Concordia Seminary in 1953 and 1956; he received a Th.D. from the Harvard Divinity School in 1970, after having studied at the University of Bonn and at Brandeis University. Professor Ehlen served as an instructor at Concordia Seminary from 1959 to 1961 and then taught at the Colgate Rochester Divinity School (1963-1965) and at California Concordia College (1967-1968). From 1965 to 1967, he served as pastor of the First Lutheran Church, Yuba City, California. He was again appointed to the faculty of Concordia Seminary in 1968 as an Assistant Professor of Exegetical Theology (Old Testament).

On December 22, 1971, Professor Ehlen was informed by a letter from President Tietjen that the Board of Control of the Seminary had declined to renew his appointment, and that pursuant to the *Handbook* of the Synod his appointment would terminate at the end of the 1971-72 academic year. Synod President J. A. O. Preus was present at meetings of the Board of Control on December 13 and 20, at which Professor Ehlen's reappointment had been considered (a reappointment which under the Synodical regulations would have conferred tenure) and rejected, and he questioned Professor Ehlen concerning his interpretation and teaching of certain passages from the Old Testament.

Early in January, 1972, Professor Ehlen's faculty colleagues wrote to the Board of Control, protesting its decision in light of Professor Ehlen's record as teacher and scholar and urging that the Board reconsider its action. On January 8, accounts published in the national press reported that Professor Ehlen's appointment had not been renewed, apparently for views which denominational conservatives considered "false doctrine," and noted criticism of Professor Ehlen by Synodical President Preus and several members of the Board of Control of the Seminary for his interpretation of certain passages from the Old Testament. The news accounts reported that Professor Ehlen had been criticized several years previously for stating that "we frankly do not see how a questioning of the literal history of the Genesis account is necessarily a subversion of the scriptural principle."

On January 27, Professor Ehlen wrote to the Board of Control to request a formal statement of the reasons for its action. He also asked for a hearing at the Board's next scheduled meeting. The purpose of the hearing, according to Professor Ehlen, would be "to consider the accuracy of the charges made and their admissibility as cause for nonrenewal of my appointment." He expressed his sense of urgency that the Board grant his re-

quests, since "the lack of a publicly stated reason for the action of December 20th . . . has already permitted unfounded rumors to begin."

In February the Board of Control dealt again with Professor Ehlen's case and, after a good deal of discussion, authorized his being offered an additional one-year appointment. A contract form identical to that governing his first four years at the Seminary was issued to him and signed by President Tietjen. Professor Ehlen has stated that in justification of its actions the Board "stated its desire that I be able to participate in discussion of the major theological issues in a series of future meetings with members of the faculty." On the day following the Board of Control's action, Synodical President Preus issued a directive to Seminary President Tietjen that, effective immediately, Professor Ehlen was not to teach any courses in which he would "have opportunity to advocate his higher critical views concerning Biblical interpretation." President Tietjen responded by issuing a statement providing reasons why he could not implement this directive. In early March, President Preus sent a letter to the congregations of the Missouri Synod explaining his position in Professor Ehlen's case. Accompanying this letter was "A Statement of Scriptural and Confessional Principles" which he proposed as a basis for judging the teaching of faculty members at the Seminary and at other schools in the Synod.

Under the Bylaws of the Synod as set forth in the Synod *Handbook*, the Board for Higher Education of the Synod, whose members were then appointed by the Synodical President, has to give its prior consent to all appointments and reappointments to the faculties of the seminaries and colleges in the Synod (a function which in the past had generally been *pro forma*). This Board, meeting on March 10, decided to delay its consent to Professor Ehlen's reappointment until informed of his teaching responsibilities for the following year. At the meeting of the Seminary Board of Control in mid-April, President Tietjen announced that Professor Ehlen would not offer a particular course on the Pentateuch which had occasioned the concern of some members of the two boards. Nonetheless, the Synod Board for Higher Education, in May, declined to approve Professor Ehlen's reappointment. The Seminary Board of Control urgently requested the Board for Higher Education to reconsider its decision, but on June 1 the Board for Higher Education declined the Board of Control's invitation to a joint meeting and reaffirmed its decision against Professor Ehlen's reappointment.

The Seminary administration was able to persuade the Board of Control to continue Professor Ehlen's salary through the 1972-73 academic year, but he was assigned no teaching duties, excluded from participation in institutional government, and stripped of his faculty title and status.

Professor Ehlen first brought his case to the attention of the American Association of University Professors in January, 1972, soon after he first received notice of non-reappointment. He received advice from members of

the staff as the question of his continuance proceeded through the various stages of reconsideration to final rejection by the Board for Higher Education. He then asked the Association to express its interest directly. On July 28, the Associate General Secretary wrote to President Tietjen as follows:

Our concerns rest specifically on the stated and publicized grounds for the action taken against Dr. Ehlen, grounds which, suffice it to say here, in their apparent insistence upon ecclesiastical orthodoxy have profound implications for the fundamentals of academic freedom in research and to freedom in the classroom in discussing his subject. We are disturbed to learn that developments relating to the status of academic freedom at the Seminary have led the American Association of Theological Schools to place the Seminary's accreditation on probation, and we must consider our own responsibilities towards the academic profession in this matter if it stands uncorrected.

Accordingly, while appreciating that decisions have apparently stemmed from sources beyond the campus of the Seminary, and indeed beyond its Board of Control, we must ask you, as President of the Seminary, if it is yet possible to correct what appears to be a grave infringement upon academic freedom, by rescinding the notice of nonreappointment issued to Dr. Ehlen and continuing him in his teaching position.

President Tietjen, replying on August 8, stated that the Seminary's Board of Control was continuing its efforts to meet with the Board for Higher Education to discuss its action in Professor Ehlen's case. On September 25, President Tietjen was informed that the General Secretary had authorized an investigation.

Several weeks later, in separate requests, both Professor Ehlen and President Tietjen asked the Association to suspend its investigation because of the possibility that the matter might yet be resolved through discussion and negotiation with the Board for Higher Education. President Tietjen wrote that "we . . . believe that there is still a possibility of a satisfactory solution of this problem within our own organizations, which we fear might be jeopardized by [outside inquiry]." The General Secretary consented to these requests.

Efforts on the part of the Seminary administration to effect a reversal of the position of the Board for Higher Education continued through the 1972-73 academic year, but with no success.

In July, 1973, the Lutheran Church-Missouri Synod held its general convention in New Orleans. Dr. Preus was reelected President of the Synod. At the same time, the election of new members of the Board of Control of the Concordia Seminary constituted what was reported as a shift in the balance from a majority in support of Professor Ehlen's reappointment to a majority supporting President Preus's position against Professor Ehlen's continuance. Professor Ehlen wrote to the Association on July 27 that he had lost all hope for the achievement of a resolution of his case through "moderation and mediation," and he asked that the previously authorized investigation go forward.

III. The Dismissals of February, 1974

Dr. J. A. O. Preus was first elected President of the Lutheran Church-Missouri Synod in 1969, the same year that Dr. John Tietjen assumed the presidency of

the Concordia Seminary. In well-publicized statements from the outset of his presidency, Dr. Preus repeatedly spoke out on the matter of "false doctrine" being taught by faculty members at the Concordia Seminary.

In September, 1972, the results of a lengthy fact-finding committee's report, presented to the membership of the Synod by Dr. Preus in a report of his own, purported to establish that "some professors at the Seminary hold views contrary to the established doctrinal position of the Synod." The report charged specifically that some faculty members had undermined the authority of the Bible by using the historical-critical method of Biblical interpretation. It directed that "no faculty member shall in any way, shape or form in class lectures, in private consultation with students, in articles written for public consumption or at any pastoral conferences use any method of interpretation which casts doubt on the divine authority of the Scriptures. . . ." The report asked for strict control, beginning immediately, of all theological statements made by Concordia Seminary faculty members, and it called on the Seminary's Board of Control to dismiss or discipline some faculty members. Dr. Preus asked the Board of Control to "deal personally and first of all with President John Tietjen as to his own confessional stance and as to his failure to exercise the supervision of the doctrine of the faculty as prescribed in the Synodical *Handbook*."

President Tietjen sent a thirty-six-page response to Dr. Preus's report to all pastors of the Missouri Synod, adducing evidence in support of his claim that the Preus report was "in fact a distortion and misrepresentation of what faculty members believe, teach and confess." Shortly after the appearance of Dr. Tietjen's rebuttal, and as a result of the intervention of the Council of Presidents of the districts of the Synod, Drs. Preus and Tietjen agreed to a series of guidelines for attempting to settle the sharp doctrinal differences which had arisen. These included provisions that all faculty members in the Synod's seminaries and colleges would be protected from undocumented charges of heresy and that all disciplinary actions against accused professors would follow guidelines set forth in the Synodical *Handbook* and be made public information in the church.

Nonetheless, the dispute continued unabated through the winter and spring of 1973, within and outside of the Concordia Seminary, with Dr. Preus frequently quoted in press accounts as critical of a majority of the Seminary's faculty and administration, and as saying that "Tietjen must go." The July, 1973, general convention in New Orleans, which reelected Dr. Preus as Synodical President, also adopted a series of resolutions concerning the Seminary's faculty and administration. All but five of the faculty, and including President Tietjen, were charged with false teaching, and Dr. Tietjen was charged specifically with allowing and fostering false doctrine at the Seminary. An amendment to the resolution concerning Dr. Tietjen called for an investigation and possible disciplinary action.

On July 24, 1973, a "declaration of protest and confession" signed by fifty Concordia Seminary faculty and staff members protested against the convention's resolutions and charged that the convention had violated the Synod's procedures for evangelical discipline. On August 8, two members of the convention's committee which had formulated the resolutions submitted a statement of charges against Dr. Tietjen, paralleling those in the resolutions, to the Board of Control. These two members presented the results of what they described as their own findings in investigating the charges, and they called for Dr. Tietjen's suspension from office.

Ten days later, at a meeting of the Seminary's Board of Control called by members opposed to Dr. Tietjen, the two individuals who had submitted the charges appeared before the Board to press them. The meeting resulted in Dr. Tietjen's suspension from office by the Board, but shortly thereafter the action was withdrawn temporarily because the Synod's Commission on Constitutional Matters declared it to be in violation of established Synodical disciplinary procedure.

Through the fall of 1973, a series of meetings between President Tietjen and his accusers failed to result in any resolution. In a letter dated December 10 and submitted to the Board of Control at its meeting on January 20 and 21, 1974, the chairman of the Board presented a new recommendation that Dr. Tietjen be suspended.

Reports circulating in the press at the time, and confirmed by the Seminary administration and Dr. Preus himself, indicated that the agents of Dr. Preus offered at the last minute to withdraw the heresy charges against the Seminary faculty, reinstate five senior faculty members whose retirement had precipitately been threatened and then enforced by actions of the Board of Control, and reverse a recent decision not to reappoint a nontenured faculty member, if Dr. Tietjen would "accept a Call" to another position. Dr. Tietjen stated that he declined the offer, essentially because he did not feel he could ethically accept another position within the Synod while his name and those of accused faculty members remained under the cloud of the heresy charges. This time the Board's suspension action encountered no apparent obstacle from the Synod's Commission on Constitutional Matters, and on January 21, 1974, the suspension was announced.

On the same date, January 21, almost 300 students of the Concordia Seminary, constituting a large majority of the student body, declared a moratorium on attending all classes in protest against Dr. Tietjen's suspension, and on January 22, forty faculty members, constituting a large majority of the faculty, joined them. In a January 22 letter to Dr. Preus, the forty faculty members declared that in suspending President Tietjen the Board of Control had in effect suspended them as well. They called upon Dr. Preus either to declare his agreement with the Board of Control and to press the charges of heresy against them through dismissal proceedings which would afford due process, or to take

the initiative in clearing the faculty of the charges of false doctrine. Dr. Preus responded by ordering the faculty members to return to their classrooms, and by stating that the resolution of the New Orleans convention which condemned the faculty as false teachers would stand until withdrawn by a future convention. The faculty members responded by pointing to the contradiction apparent to them in Dr. Preus's position and by declining to return to their regular teaching duties at the Seminary as long as the actions and charges against President Tietjen and their faculty colleagues remained in effect.

Early on February 18, 1974, the Board of Control informed the faculty members that, if they ignored a Board directive to return to classes by February 19, their appointments were to be considered as terminated, effective immediately. Salary payments were ended, retroactively effective to January 18, and all faculty members occupying housing on the Seminary grounds were ordered to vacate these premises within ten days. On February 19, the dissident faculty and students decided to implement a plan to begin a seminary in exile (to become known as Seminex), drawing largely on the physical facilities of St. Louis University and Eden Seminary.

On February 26, a member of the Association's staff wrote to Dr. Tietjen, recalling the General Secretary's 1972 decision to authorize an investigation of the issues raised by the case of Professor Ehlen, and expressing regret that the desired resolution of that case had not proven possible. The letter went on to state that "given the accounts of recent developments at the Seminary relating to the work stoppage and subsequent dismissal of most of the faculty members and staff, we believe that we should now in accordance with our responsibilities proceed with an *ad hoc* investigating committee. . . ."

The undersigned investigating committee, after examining very extensive documentation provided by the Association's Washington Office, met in St. Louis during April 5 and 6 with various principals to the events at the Concordia Seminary. The committee met with Dr. Tietjen, with Professor Ehlen, with former Concordia Seminary faculty members currently at Seminex, with the academic dean of Seminex, with the president of the student body (first at Concordia and then at Seminex), with Dr. Martin H. Scharlemann (Acting President of Concordia Seminary from January until May, 1974), with Dr. Robert Preus (newly appointed as Vice President for Academic Affairs at Concordia Seminary), and with Concordia Seminary students.

Subsequently the committee wrote to Synodical President J. A. O. Preus, to the Chairman of the Seminary's Board of Control, and to the Chairman of the Synod's Board for Higher Education, regarding the role of Concordia Seminary in the Lutheran Church-Missouri Synod. Responses received from the two chairmen have provided the committee with helpful clarification.

Concordia Seminary (with Dr. Ralph A. Bohlmann as

its Acting President since May, 1974) and Seminex (constituting most of the Concordia Seminary faculty and student body as of February, 1974) continued to operate as separate entities into the 1974-75 academic year, with their relations marked by disputes over doctrinal differences, access to library facilities, and the ordination of graduates. Dr. Tietjen, suspended as President of Concordia Seminary on January 20, declined to appear in his own defense before a hearing committee during August, 1974. The Board of Control acted to dismiss him on October 12, 1974. On February 18, 1975, he was installed as President of Seminex.

IV. Issues

Concordia Seminary as a Church-Related Institution and Professor Ehlen's Appointment

There are colleges and seminaries which, in serving the needs of their particular constituencies, fulfill very specialized roles in the framework of their denomination's educational objectives. Theology normally is not taught as an academic discipline at such institutions, and therefore the provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure* will have marginal or no applicability for them. AAUP has not accepted members from the faculty at such institutions and has not taken an official interest in specific cases at these colleges and seminaries. It could be argued that Concordia Seminary, with its strong ties to the Lutheran Church-Missouri Synod, belongs traditionally in this category. The Seminary, however, has in recent decades interested itself in official recognition as an institution of higher learning. It has been accredited by the Association of Theological Schools (ATS), the recognized accreditor of graduate professional schools of theology and, since 1963, an endorser of the 1940 *Statement of Principles*. Faculty members at Concordia Seminary have been accepted into AAUP membership since accreditation was achieved. The investigating committee therefore considers it to be entirely appropriate, and consistent with the policies and objectives of the American Association of University Professors, to conduct an investigation and to issue a report on the case brought to the Association by Professor Ehlen and on conditions of academic freedom and tenure generally at Concordia Seminary.

The authors of the 1940 *Statement of Principles*, apparently recognizing that church-related institutions might wish to set limitations on academic freedom, included the provision that

Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

Since that time, there has been a general shift away from limitations at institutions which teach theology as an academic discipline. The basic statement on "Academic Freedom and Tenure in the Theological School," adopted by ATS in 1960, contains the following paragraph:

Theological schools may acknowledge specific confessional

adherence as laid down in the charters and constitutions of the schools. A concept of freedom appropriate to theological schools will respect this confessional loyalty, both in the institutions and their individual members. At the same time, no confessional standard obviates the requirement for responsible liberty of conscience in the Christian community and the practice of the highest ideals of academic freedom.

The same statement lists among the principles of academic freedom the following:

- C. So long as the teacher remains within the accepted constitutional and confessional basis of his school, he should be free to teach, carry on research, and to publish, subject to his adequate performance of his academic duties as agreed upon with the school.
- D. The teacher should have freedom in the classroom to discuss his subject in which he has competence and may claim to be a specialist without harassment or limitations.

In 1970, following a review of the matter by AAUP's Committee A on Academic Freedom and Tenure in 1969, the following was adopted as Interpretive Comment No. 3 of the 1940 *Statement of Principles*:

Most church-related institutions no longer need nor desire the departure from the principles of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure.

An institution may, by its own choice, set itself apart from those institutions of higher learning where the principles of academic freedom obtain. Concordia Seminary, by seeking and accepting accreditation from ATS, has implicitly indicated its acceptance of these principles.

In Professor Ehlen's letters of appointment, in 1968, no specific limitation on academic freedom was set forth. A "Contract and Agreement," signed by Professor Ehlen on June 10, 1968, does specify that "this contract is made subject to all regulations of the institution now in force or which may legally be made during the contract period (*cf.* Synodical *Handbook*, Chapter VI, esp. sec. 6.53c; 6.54.d)" [all references are to the 1971 *Handbook*, unless otherwise stated]. These sections of the Synodical *Handbook* deal with the notice that the Board of Control shall provide in the event of nonreappointment and with the Board's ability to grant permanent tenure. In another section, 6.53.d, it is stated explicitly:

Limitations of academic freedom because of the religious nature and aims of the institution shall be stated in writing at the time of the appointment and shall be conveyed to the person being appointed.

Faculty members in the academic departments of Concordia Seminary normally hold two concurrent positions. They are faculty members by virtue of their "Contract and Agreement," and they hold a position in the Church as clergymen or teachers by virtue of acceptance of a call. In Professor Ehlen's case, in addition to his contract, he received a "Diploma of Vocation," dated May 22, 1968. This dual nature of faculty positions presents issues which will be discussed later in this report, but here it can simply be noted that at the time of Professor Ehlen's appointment neither document placed any explicit limitation on his academic freedom.

The Decision Not To Reappoint Professor Ehlen

The Synodical *Handbook*, Sec. 6.53.c, states as follows:

The Board of Control may decline to renew the appointment of a faculty member without tenure at its discretion and without formal statement of cause. If reappointment to the teaching staff is not contemplated, the Board of Control shall so notify the faculty member through the president of the institution, at least 6 months prior to the expiration of the current appointment.

On December 22, 1971, within the prescribed time period under the *Handbook* although late by six months under the Association's standards for notice, Professor Ehlen received a letter from President Tietjen informing him of the decision of the Board of Control not to renew his appointment. In addition to the inadequacy of notice, less procedural protection was available to Professor Ehlen under the provisions of the *Handbook*, and thus under the institutional regulations for Concordia Seminary, than the Association calls for in its *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*. Specifically, the *Handbook* contained no provision for appeals of a decision against reappointment; there was no provision for periodic review of probationary faculty so that progress towards tenure could be discussed; and the role of the faculty in reaching decisions on tenure was notably undefined. The granting of tenure by the Board of Control followed the recommendation of the President of the Seminary (Sec. 6.54.a), or the completion of seven years "of creditable service . . . as a member of the faculty" (Sec. 6.54.c), in both cases with the prior consent of the Synod's Board for Higher Education and the Seminary's electors.

According to President Tietjen, faculty participation in decisions on tenure had been increasing. While recommendations for tenure had earlier gone from the President to the Board of Control with minimal faculty review, more recently, under President Tietjen, the role of the department chairman in the process had increased, and advice from departmental colleagues came to the President through the chairman. In the case of Professor Ehlen, the initiative in recommending his reappointment came from President Tietjen, but the other members of his department were involved, and they supported the recommendation unanimously. Traditionally, recommendations did not go to the Board for Higher Education before being forwarded to the Board of Control. In October, 1971, President Tietjen informed the Board of Control that he would be making affirmative recommendations regarding the reappointment of seven faculty members, including Professor Ehlen, and in November, 1971, these seven recommendations were forwarded to the Board.

At this time, Dr. J. A. O. Preus had issued his report with its allegations against several members of the Concordia Seminary faculty over doctrinal and confessional matters. When the Board of Control received the seven recommendations, it decided to allow Board members to submit written questions to those

faculty members being recommended, with responses requested in writing by the next regular Board meeting on December 13. At that meeting, which Dr. J. A. O. Preus attended, members of the Board considered responses to questions they had addressed to five of the seven faculty members being considered. On the basis of the written responses, and of oral responses from Professor Ehlen and two others who were present at the meeting, all recommendations for retention were approved, except for the recommendation concerning Professor Ehlen.

A special meeting of the Board of Control was called for December 20, 1971, to continue consideration of Professor Ehlen's case. President Tietjen asked Professor Ehlen's department chairman to prepare a written evaluation of Professor Ehlen for that meeting, and he also presented results of a student evaluation. Dr. Preus attended that meeting too, and he questioned Professor Ehlen. Some of the questioning was based on notes from a student in Professor Ehlen's classroom, unidentified as to source. The vote on reappointment was four in favor and five against, with one abstention. The Board took no action on President Tietjen's request for a statement of reasons that he might communicate to Professor Ehlen or to a similar subsequent request from Professor Ehlen himself, and this too was a deficiency in terms of AAUP's procedural standards.

The procedures followed in dealing with the seven candidacies for retention in the fall of 1971 were a major departure from prior practice in the degree of doctrinal scrutiny given to the candidacies and in the degree of participation by the Synodical President.

The evaluation of Professor Ehlen's academic performance was made as it should have been, by Professor Ehlen's academic peers, and his departmental colleagues and his chairman all evaluated him favorably. In his letter of recommendation to the Board of Control, President Tietjen added his own assessment of Professor Ehlen as an "excellent scholar and teacher." The concerns of the Board of Control in dealing with Professor Ehlen, however, focused not on his academic work but primarily on his doctrinal stance. The unusual presence of the President of the Synod (who is not himself a member of the Board), as well as his advice given to the Board in this matter, seem to have been motivated by the same concern. In his letter to congregations and pastors dated March 3, 1972, President Preus stated:

Under the Constitution of the Synod, your synodical President has the responsibility to see to it that the teaching at our schools is in keeping with the Word of God as we have been taught it, understand it, and have applied it heretofore. It was out of this regard that I originally proposed that the board not reappoint Dr. Ehlen.

The investigating committee is aware that the doctrinal supervision of pastors and seminary professors is taken very seriously by the Lutheran Church-Missouri Synod and involves constitutionally quite a number of authorities outside the Seminary and its Board of Control. This fact alone would be no reason for alarm.

But the committee feels that the primarily nonacademic concerns evidenced in the type of detailed doctrinal questioning the Board of Control permitted, and particularly the intrusion of the President of the Synod in like fashion, point to a deep problem that is inherent in the dual nature of faculty positions at Concordia Seminary. Those who may feel competent to judge confessional orthodoxy are at the same time exercising a judgment on academic acceptability. The net result is the grave intrusion, into an area which should be the preserve of academic peers, of nonacademic factors and criteria that are potentially violative of academic freedom.³

When the decision against Professor Ehlen's retention was announced, strong statements attesting to his scholarship were issued by the majority of the faculty of Concordia Seminary and by the members of his department. Professor Ehlen himself submitted a memorandum that set forth his views on two subjects which had been the subject of earlier questioning.

The Board of Control, at its meeting in February, 1972, modified its position by offering an appointment to Professor Ehlen for one additional academic year. The terms of this offer were not specified. Although retention for an additional year could be considered to lead to tenure (*Handbook*, Sec. 6.54.c), the offer of the appointment did not speak to this point. It was also unclear in other respects. Was it to be conditional on not reopening the case for tenure, or was it to provide additional time during which the decision on tenure might be reviewed? Could a future favorable decision on tenure arise from a re-evaluation of Professor Ehlen's confessional stance and, if so, by whom? Would or could any change in Professor Ehlen's doctrinal position provide a potential basis for re-evaluation?

It might be held that the offer of the additional year of appointment by the Board of Control in February, 1972, constituted a legitimate faculty appointment, that this extra year would in fact lead to tenure, and that the subsequent action of the Board for Higher Education to withhold approval constituted abrupt termination (in fact, denial of tenure) in the absence of even the appearance of due process. It is a measure of the complexity of this case that these questions can arise, but from any practical point of view it would seem fruitless to pursue them. In Professor Ehlen's case, the orderly evaluation of faculty by faculty based on academic factors was so constantly violated by bodies and persons not in a position to exercise this academic judgment that keeping score becomes futile.

³ The "Report of the Catholic University Board of Inquiry Regarding Expressions of Theological Dissent by Faculty Members on Encyclical *Humanae Vitae*" (*AAUP Bulletin*, 55 [Summer, 1969], pp. 264-266) speaks to this issue as follows:

... the presumptive judgment regarding the teacher's fitness for his position must be the province of his academic peers, made under conditions which assure due process. . . . A determination of doctrinal orthodoxy may, under AATS norms, be made by a public ecclesiastical tribunal. When such a determination is made, it is still for the academic community to render judgment concerning competency to teach.

Two intrusions, however, were such heavy and direct attacks on Professor Ehlen's academic freedom that they require recording.

After the February meeting of the Board of Control, Dr. Preus wrote to President Tietjen directing him to "see to it that Doctor Ehlen teaches no course in which he will have the opportunity to advocate his higher critical views concerning Biblical interpretation, effective at the beginning of the Spring quarter of the 1971-72 school year." The execution of this directive would have been in flagrant violation of academic freedom under any standards. No reasons were given; no avenue of appeal was indicated. But the background of Dr. Preus's directive was apparently again a doctrinal concern. In his letter of March 3 which is quoted above, Dr. Preus also said:

Had I been a member of the board, I am frank to say, I would not have voted for the renewal of Dr. Ehlen's contract because of the fact that he was unable to state that he believed in the historical facticity of certain of the miraculous elements surrounding the Exodus of the people of Israel from the Egyptian captivity. This position has serious implications for the teaching in our congregations because it means that our future ministers are being taught theories concerning the origin of portions of God's Word which create doubt as to whether the events recorded in the Scriptures actually happened.

President Tietjen declined to communicate the order to Professor Ehlen without the direction of the Board of Control to which alone he (President Tietjen) was directly responsible, and he thus averted the open threat to Professor Ehlen's academic freedom in the classroom. The correspondence between him and the Synod President on this matter continued, but no special meeting of the Board of Control emerged and Professor Ehlen was not in fact restricted in his teaching assignment or course content during the spring quarter.

The second intrusion resulted in the terms under which the offer of an additional year of appointment was finally implemented. Professor Ehlen was paid for the 1972-73 academic year in fulfillment of the offer. However, he was not permitted to teach or engage in any other academic functions. Quite apart from the fact that this outcome was due to the action of another outside authority, the Board for Higher Education, the action was an abridgment of Professor Ehlen's right to teach. A previous investigating committee's report, "Academic Freedom and Tenure: St. John's University," stated in a similar situation:

The administration's view that it had discharged its obligation with the payment of salary . . . excluded from consideration a principle crucial to the profession. The profession's entire case for academic freedom and its attendant standards is predicated upon the basic right to employ one's professional skills in practice, a right, in the case of the teaching profession, which is exercised not in private practice but through institutions. To deny a faculty member this opportunity without adequate cause, regardless of monetary compensation, is to deny him his basic professional rights. [*AAUP Bulletin*, 52 (Spring, 1966), page 18]

Professor Ehlen's Doctrinal Position

Central to the decision not to renew Professor Ehlen's appointment and all the related turmoil at Con-

cordia Seminary that culminated with the suspension of President Tietjen in early 1974 and led to the formation of the Seminary in Exile (Seminex) is a controversy over the methods of Biblical interpretation, especially the methods of historical-critical scholarship. Article II of the Constitution of the Lutheran Church-Missouri Synod, on which the dispute has sometimes focused, states the acceptance without reservation of the "Scriptures of the Old Testament and the New Testament as the written Word of God and the only rule and norm of faith and practice," and of "all the Symbolical Books of the Evangelical Lutheran Church . . . as a true and unadulterated statement and exposition of the Word of God." Professor Ehlen and the majority of his faculty colleagues at Concordia Seminary, including President Tietjen, have maintained that their use of the methods of critical scholarship in Biblical interpretation in no way affects their strict adherence to these norms. On the other hand, it is precisely the adherence to Article II which, in the light of a different understanding of the Article, has been questioned in the case of Professor Ehlen and his colleagues.

In March, 1972, formal charges of false teaching were brought against Professor Ehlen as a member of the Missouri District of the Church by the Reverend Herman Otten. In a letter addressed to the Reverend Dr. Herman Scherer, President of the District, Rev. Otten asked for action on these charges in terms of two sections of the Constitution of the Lutheran Church-Missouri Synod:

Art. XII, 7 The District Presidents shall, moreover, especially exercise supervision over the doctrine, life and administration of office of the pastors and teachers of their district and acquaint themselves with the religious conditions of the congregations of their District. . . .

Art. VII, 8 District Presidents are empowered to suspend from membership pastors, professors, and teachers for persistently adhering to false doctrine. . . .

While these powers assigned to the District Presidents would appear to be entirely proper and consistent with the primary religious purposes of the Lutheran Church-Missouri Synod and its constituent bodies and officers, they raise serious questions as to the role of faculty members at institutions of higher learning in the Synod and their independence from outside, non-academic pressures. The Synodical Constitution (above) specifically empowers a District President to remove a professor for reasons unrelated to his scholarly or teaching ability. This report will return to that point later, in its more general discussion of academic freedom at Concordia Seminary.

In Professor Ehlen's case, the review of the charges at the District level proceeded slowly. Dr. Scherer wrote to Rev. Otten on February 1, 1974, that

. . . the Praesidium of the Missouri District has studied both a) your charges; and b) the response of Dr. Ehlen and informs you that Dr. Ehlen's doctrinal position appears to be within the realms of Biblical Orthodoxy and the Lutheran Confessions. . . .
 . . . your charges against Arlis Ehlen are herewith dismissed and no further action will be taken by me.

It is entirely beyond the province of the Association and the mandate of this investigating committee to offer substantive comment on the content of these charges and the decision that was reached. The investigating committee should, however, draw attention to the fact that an adverse decision on the basis of these charges could have resulted in Professor Ehlen's removal from the faculty even if the Board of Control had voted to retain him and grant him tenure. The precariousness of faculty positions under these circumstances is manifest. It should be noted further that the Praesidium of the Missouri District and the Board of Control reached opposite conclusions on the doctrinal stance of Professor Ehlen essentially on the basis of the same evidence. One may infer either that there must be room for reasonable people to differ in their conclusions, or that the theological divisions in the Synod are exceedingly deep and that the composition of different bodies is reflected in their differing judgments. In either case, the academic freedom of the faculty can be severely affected, since the reasons for denial of tenure or removal from tenure could conceivably be the accidents of other tensions and pressures in the Church, and may have little to do with the academic functions of the faculty. In the judgment of the investigating committee, the need for the institutionalization of a dominant faculty role in decisions on appointments and tenure at Concordia Seminary has been strongly demonstrated by the case of Professor Arlis Ehlen.

Academic Freedom at Concordia Seminary

The case of Professor Ehlen must be viewed against a background of the general state of academic freedom at Concordia Seminary, for only a more extended view will allow judgment on whether the Ehlen case represented an aberration in an otherwise generally healthy climate, whether similar cases are likely to occur in the future, and whether the Synod and Seminary have made significant changes in their policies and procedures. We start with the latter point.

The 1973 Synodical *Handbook* reflects several important changes as regards the seminaries of the Lutheran Church-Missouri Synod. These were adopted at the 1973 New Orleans convention at the initiative of a special task force on accreditation, and most of the changes were in response to the criticism expressed in 1972 by the Association of Theological Schools. A revised section 6.53.a-c ascribes to the Board of Control a more clearly defined independence from other bodies in its authority to make faculty appointments. Sections 6.53.b and 6.54.b set six years as a maximum prior to reaching a decision on tenure. The Board for Higher Education is to provide "policy statements on academic, professional, theological, ministerial, and other criteria for the appointment and advancement of faculty members" (Sec. 6.53.g). The procedure for granting tenure (Sec. 6.54.a) now provides the faculty member with opportunity to "respond to any negative comments." The new sections 6.78 and 6.79 describe

detailed procedures for removal of faculty members from their positions, including a hearing before a faculty hearing committee (see the new section 6.59.f). The new section 6.81 allows for some procedures for appeal in cases of intended termination of services.

Both the 1971 *Handbook* (Sec. 6.53.d) and the 1973 *Handbook* (Sec. 6.53.f) carry the statement on limitations of academic freedom quoted earlier in this report. A resolution, referred to the Board of Directors of the Synod at the New Orleans convention for action, dealt with this issue in order to satisfy accreditation requirements of the ATS. It affirmed the right of the Lutheran Church-Missouri Synod to establish such limitations "in the light of its Articles of Incorporation and its Constitution," and directed the Board for Higher Education to formulate a "Statement on Limitations of Academic Freedom" which was to be inserted in all appointment documents. On March 12, 1974, such a document was circulated to all college and seminary presidents. The Concordia Seminary Board of Control adopted it on April 21, 1974. Because of its importance, it is reprinted here in its entirety:

SUBJECT: Policy Statement on Limitation of Academic Freedom

In accordance with *Handbook* 6.53.f, the Board for Higher Education adopted the policy that henceforth a written statement on limitation of academic freedom shall be written in all contracts of faculty members and the Board for Higher Education will provide the limitation statement.

The limitation statement shall be:

Faculty members are pledged to the Scriptures as the inspired and inerrant Word of God and to the Lutheran Confessions. They are expected to honor, to uphold, and to teach in accordance with the synodically adopted doctrinal statements which express the convictions of fathers and brethren with whom all members of the Synod are united in their obedience to the Scriptures and the Confessions.

Faculty members are encouraged to study the synodically adopted doctrinal statements as well as the Scriptures and the Confessions. Should they judge the synodically adopted doctrinal statements to be out of harmony with the Scriptures and the Confessions, they are to test their findings and opinions with their peer group, namely, the faculty and the Board of Control of the institution of which they are a part, and then to present them to the Commission on Theology and Church Relations before bringing them to the Synod itself. Meanwhile they are to refrain in brotherly love from disseminating such dissident findings as doctrinal opinions in the classroom and/or among the students, as well as in other situations and places as will cause confusion and offense in the church.

Examples of pertinent synodical statements are in *Handbook* sections 1.09.e, and 4.21; Resolution 3-17 of the 1962 convention; Resolution 2-08 of 1965; Resolution 2-04 of 1967; Resolution 2-27 of 1969; Resolution 2-21 of 1971; Resolution 2-12 of 1973; and Resolution 3-01 of 1973.

Implementation

In the implementation the Board of Control shall include this statement in:

- a) All new contracts
- b) All renewal contracts
- c) Reappointments and reinstatements
- d) Promotions in rank
- e) Advancements to tenure

All other faculty members are urged to voluntarily include the limitation statement in their existing contracts.

The limitation statement is to be regarded as in compliance with the long standing requirement of previous *Handbook* regulations on academic freedom, and all faculty members shall be so advised.

This investigating committee wishes to reiterate that the Association does not challenge the right of church-related institutions to establish limitations to academic freedom. The Association, however, has noted with satisfaction that in the scholarly community of church-related institutions such limitations have come to seem less and less necessary, if not outright undesirable. The Report of a Special Committee on Academic Freedom in Church-Related Institutions (*AAUP Bulletin*, 53 [Spring, 1969], pp. 369-71), commended to the attention of the academic community "the emerging tendency of church-related colleges and universities to waive, or drastically restrict, the use of the limitations clause," and stated in its recommendations that "The faculty member should respect the stated aims of an institution to which he accepts appointment, but academic freedom protects his right to express, clarify, and interpret positions—including those identified as his own—which are divergent from those of the institution and of the church which supports it." Committee A, in a statement approved in October, 1969, concluded that "most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and it does not endorse such a departure." This conclusion was incorporated into the 1970 Interpretive Comments on the 1940 *Statement of Principles*.

The new statement of limitation applicable at Concordia Seminary, quoted in full above, is in the judgment of the investigating committee a regressive step which represents a major deviation from the standards of academic freedom appropriate for scholarly institutions of higher learning. The final judgment as to propriety of material for the classroom is to be made by authorities outside the faculty, and there is to be prior restraint. The overall effect cannot be anything else but the elimination of independent and critical views, and even the examination of ideas (not for advocacy, but simply for elucidation) may be suppressed. Faculty members will feel free to express and discuss ideas only at the peril of their appointments or prospects for promotion. If a limitations clause at a church-related institution leads to elimination of the basic expressions of academic freedom, the institution has lost its credibility as a member of the academic community.

The "Statement on Limitation of Academic Freedom" indicates that, despite the changes in the 1973 *Handbook*, the very basic threat to academic freedom at Concordia Seminary persists. Moreover, the *Handbook* revisions still permit the nonrenewal of a probationary appointment by the Board of Control "at its discretion and without statement of cause" (6.53.c). Policy statements on academic and other criteria for the appointment and advancement of faculty (6.53.g) are to be provided by the Board for Higher Education, apparently without any formal participation of the faculty. The newly created faculty hearings committee

(6.59.f) seems to be restricted to a token function in the investigation of charges against a faculty member (6.79.e-i). No appeals procedure is available against the decision not to reappoint initiated by the Board of Control (6.81).

More serious still, the Constitution of the Lutheran Church-Missouri Synod is unchanged as regards Article XII, 7 and 8, which formed the basis for attempting to remove Professor Ehlen from his position through the ecclesiastical route, regardless of academic considerations and academic due process. Indeed, the 1973 *Handbook* revisions increase the role of ecclesiastical authority. Section 6.77.b speaks to removal from the faculty "either by ecclesiastical authority or by the Board of Control." The new sections 6.78 and 6.80 distinguish between Board supervision and ecclesiastical supervision, but new "Procedures for Board Supervision" in section 6.79 expressly allow a charge of false doctrine to be pressed, against the Board's decision, with the District President, or beyond him with the Synodical president (6.79.c), in order to achieve removal. The result is assured by the provision, in section 6.79.m, that "if a faculty member has lost his membership in the Synod through the ecclesiastical route . . . he shall automatically forfeit his membership on the faculty. . . ." If it is disconcerting to find that in both cases the "supervision" of faculty members seems to be interpreted largely as power to remove, it is yet more disturbing to observe how protection is given to the concerns of a denunciator while the concerns of academic freedom for the faculty are nowhere mentioned. The investigating committee sees these provisions as a constant threat to the academic freedom of the entire faculty of Concordia Seminary.

There remains the broad question of whether the role which the Lutheran Church-Missouri Synod currently sees for Concordia Seminary in the life of the Church, defined and circumscribed by the various regulations which have been discussed, is compatible or reconcilable with academic freedom. Based on its reading of the Synodical *Handbook*, on the resolutions adopted at recent conventions of the Synod, and on the committee's correspondence with officials holding authority over the Seminary and particularly the current Chairman of its Board of Control, the investigating committee finds that Concordia Seminary is seen as primarily serving the Church and only secondarily as an institution of higher learning where scholarly studies may be pursued no matter where these studies may lead. The role of Concordia Seminary is described as follows in its 1973-74 Catalogue:

- I. To equip men with the knowledge, attitudes, and skills requisite for entrance upon the parish ministry in the Lutheran Church-Missouri Synod. . . .
- II. To provide instruction and experiences preparing for special competence demanded by particular aspects of the ministry. . . .
- III. To offer qualified clergymen, teachers, and lay people training in theology which will enlarge their ability to serve, to give

opportunity for advanced theological study, and to foster research. . . .

- IV. To provide guidance and, where necessary, staff for the continuing education of the clergy. . . .

These functions can, of course, be interpreted in more than one way. President Tietjen seems to the investigating committee to have been continuing a trend in which the faculty of Concordia Seminary was encouraged in, or at least not discouraged from, pursuing broader studies of the type normally associated with graduate schools in major universities. The reversal of this trend—as demonstrated by the events surrounding the nonretention of Professor Ehlen, the suspension and subsequent dismissal of President Tietjen, and the schism leading to the establishment of Seminex—is a reflection of the present dominance of a very different view in the Church. This view has found its visible expression in the election of Dr. J. A. O. Preus as Synodical President, in the resolutions adopted by the 1973 New Orleans convention concerning the majority of the Seminary faculty and President Tietjen, and in the changes in the composition and concurrently the outlook of the Board of Control and the Board for Higher Education. Here again, the investigating committee wishes to stress that it does not seek to pass judgment on any of these matters in themselves, but solely to take note of them in order to have a better understanding of events that have in fact impinged upon the faculty of Concordia Seminary.

During its inquiries, the investigating committee received the impression that many leaders in the Lutheran Church-Missouri Synod look upon academic freedom to be the freedom to structure and supervise their educational institutions so as to defend their confessional identity against unwelcome intrusions. The committee understands this view but does not believe that it can justify setting aside what the wider world of higher education regards as basic to academic integrity: the right to freedom in teaching and scholarship and the protections of due process. An institution without these rights and protections may fulfill a limited purpose, but it inevitably separates itself from the larger community of higher learning.⁴

⁴Dr. John H. Tietjen, as President of Concordia Seminary during the events discussed in this report, commented on the text prior to its publication as follows:

In general, I am grateful for the thoroughness of the report and for its careful and perceptive analysis. In my opinion, the evidence presented by the committee substantiates the conclusion of the report. It is a mark of the tragedy which has befallen Concordia Seminary that its present faculty and administration, as well as many in The Lutheran Church-Missouri Synod, will not be disturbed in the least by the conclusion of the AAUP *ad hoc* committee. The academic community is entitled to know about the demise of academic integrity at a school that once had a significant contribution to make to the academic-ecclesiastical world. The academic institutions of the church may have something to learn from the experience at Concordia Seminary with the destruction of the creative tension between confessional commitment and academic freedom.

Dr. Ralph A. Bohlmann, as the current Acting President of Con-

V. Conclusions

1. At the time of the actions taken against Professor Arlis J. Ehlen, the stated policies and procedures governing the faculty of Concordia Seminary were seriously deficient in terms of providing academic due process and protecting academic freedom. The recommendations from Professor Ehlen's academic colleagues, favoring his retention, were disregarded. He received inadequate notice of the termination of his services. His request for a statement of the reasons for the action against him was not honored. Ecclesiastical authorities external to the academic structure of the Seminary participated actively, in departure from previous practice, in evaluating Professor Ehlen's candidacy for retention, and these authorities eventually determined that he not be retained.

Subsequent revisions in the stated policies and procedures reflect some improvements in procedure, but the revised regulations are still deficient when measured against the standards set forth by the American Association of University Professors. Particularly troublesome are a new statement placing limitations on academic freedom and reinforced provisions allowing external ecclesiastical authorities to control academic decisions at Concordia Seminary.

2. The decision to terminate Professor Ehlen's services was manifestly based on displeasure with his views on matters that fell within his academic competence and therefore on considerations violative of his academic freedom, which was not subject to specific limitation under the terms of his initial appointment to the faculty of Concordia Seminary. The action of the

cordia Seminary and Acting Executive Officer of the Seminary Board of Control, commented on the prepublication text as follows:

First, you should know that Concordia Seminary does not recognize the legitimacy of your involvement in this matter, nor does it acknowledge your competence to understand and evaluate the nature and limitations of academic freedom in a confessional church, particularly The Lutheran Church-Missouri Synod.

Second, your draft report contains numerous errors of fact, misleading or biased language, inaccurate judgments and interpretations, and significant omissions of important data. Since I consider the AAUP to be morally and professionally responsible for any reports it proposes to issue, including this one, it is my judgment that you should not expect me to correct the inadequacies of your work.

Comments essentially similar to those of Dr. Bohlmann were received from Synodical President J. A. O. Preus.

Board for Higher Education of the Lutheran Church-Missouri Synod, in making the final decision not to retain Professor Ehlen on the Seminary faculty contrary to the reconsidered position of the Seminary's Board of Control in 1972, thus was in violation of the 1940 *Statement of Principles on Academic Freedom and Tenure*. The Board for Higher Education and the reconstituted Board of Control, as exemplified by their adoption of the Statement on Limitation of Academic Freedom in 1974, have acted regressively under the standards of the 1940 *Statement of Principles* and subsequent interpretive comments.

3. Academic freedom, as enunciated in the 1940 *Statement of Principles on Academic Freedom and Tenure*, does not now exist at Concordia Seminary. It will not be securely established until the independence of faculty members in their academic pursuits is assured by the regulations of the Seminary and the Synod and until the ecclesiastical authorities provide the Seminary and its faculty with requisite autonomy.

Michael W. Friedlander (Physics), Washington University, *Chairman*

Karlfried Froehlich (Theology), Princeton Theological Seminary

Walter H. Wagner (Philosophy and Religion), Upsala College

Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in the *AAUP Bulletin*.

Ralph S. Brown, Jr. (Law), Yale University, *Chairman*

Members: Clark Byse (Law), Harvard University; Bertram H. Davis (English), Florida State University; Joseph Duffey (Urban Studies), Washington Office, *ex officio*; Sanford H. Kadish (Law), University of California; William J. Kilgore (Philosophy), Baylor University; Jordan E. Kurland (History and Russian), Washington Office; Hans A. Linde (Law), University of Oregon; Walter P. Metzger (History), Columbia University; Winton U. Solberg (History), University of Illinois; Peter O. Steiner (Economics), University of Michigan; Carol Simpson Stern (Interpretation), Northwestern University; Judith J. Thomson (Philosophy), Massachusetts Institute of Technology; William W. Van Alstyne (Law), Duke University, *ex officio*.